IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6707 of 2005

Between:

Raveendhranath Seva Samithi, Krishnampalli, Duvvur Mandal, Cuddapah District, rep.by its Correspondent K.Kesevendra Raju, S/o.Narasimha Raju, R/o.Krishnamaplli, Duvvur Mandal, Cuddapah District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, School Education Department, rep. by its Prl.Secretary to Government, Secretariat, Hyderabad.
2 Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.
3 Regional Joint Director of School Education, Cuddapah, Cuddapah District.
4 District Educational officer, Cuddapah District, Cuddapah.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in not permitting the petitioner society to fill up the aided vacancies at Aided upper Primary School, Krishnampalli, Duvvur Mandal, Cuddapah District pursuant to the proceedings of the 4th respondent Rc.No.3273/A5/2003, dated 20-6-2003 as illegal and arbitrary and consequently direct the respondents to permit the petitioner society to fill the existing aided vacancies in the school by nominating a departmental nominee.

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not permitting the petitioner-Society to fill up the aided vacancies in Aided Upper Primary School, Krishnampalli, Duvvur Mandal pursuant to the proceedings in Rc.No.3273/A5/2003, dated 20.6.2003 of the 4th respondent as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education and perused the material on record.

The learned counsel for the petitioner has contended that the competent authority has given permission to fill up vacant aided posts in the Aided institutions as per the roaster point, but the respondents are not taking any steps to fill up the posts.

On the other hand, the learned Government Pleader for School Education has contended that as per the Government Memo, dated 20.10.2004, a ban has been imposed, and therefore, it is not permissible to go ahead with the selection process.

This matter is squarely covered by the orders passed by this Court in W.P.No.24559 of 2004, W.P.No.4120 of 2005 and W.P.No.22188 of 2004. The learned Single Judge of this Court held that when the general ban on recruitment imposed by the Government came into force with effect from 20.10.2004, it would not come in the way of petitioner's school for filling up the aided posts in view of the fact that permission was already given to the petitioner prior to the ban imposed.

Therefore, following the said judgments, the respondents are directed to take necessary steps to fill up the existing vacant aided posts in the petitioner's school in accordance with law.

Accordingly, the writ petition is disposed of. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J)

1st April, 2005

bcj

To

1 The Principal Secretary to Government, Government of Andhra Pradesh, School Education Department, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.
3 The Regional Joint Director of School Education, Cuddapah, Cuddapah District.
4 The District Educational Officer, Cuddapah District, Cuddapah.

5 Two C.Cs. to the Govt. Pleader for School Education, High Court Buildings, Hyderabad (OUT)

6 1 CC to MR.SUBBA RAO